

Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987, Cross Heading: The Domestic Proceedings and Magistrates' Courts Act 1978 (c.22). (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Domestic Proceedings and Magistrates' Courts Act 1978 (c.22)

69 After section 20 of the Domestic Proceedings and Magistrates' Courts Act 1978 there shall be inserted the following section—

“20A Revival of orders for periodical payments.

- (1) Where an order made by a magistrates' court under this Part of this Act for the making of periodical payments to or in respect of a child (other than an interim maintenance order) ceases to have effect on the date on which the child attains the age of 16 or at any time after that date but before or on the date on which he attains the age of 18, the child may apply to the High Court or a county court for an order for the revival of the order of the magistrates' court, and if, on such an application, it appears to the High Court or county court that—
 - (a) the child is, will be or (if an order were made under this subsection) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he also is, will be or would be in gainful employment; or
 - (b) there are special circumstances which justify the making of an order under this subsection, the court shall have power by order to revive the first mentioned order from such date as the court may specify, not being earlier than the date of the making of the application.
- (2) Where an order made by a magistrates' court is revived by an order of the High Court or a county court under subsection (1) above, then—
 - (a) for the purposes of the variation and discharge of the revived order, that order shall be treated as an order of the court by which it was revived and may be varied or discharged by that court on the application of any person by whom or to whom payments are required to be made under the order, and
 - (b) for the purposes of the enforcement of the revived order, that order shall be treated as an order of the magistrates' court by which the order was originally made.”

Modifications etc. (not altering text)

C1 Sch. 2 para. 69 restricted by [S.I. 1989/382, art. 3](#), [Sch. 2 para. 3](#)

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Textual Amendments

F1 Sch. 2 para. 70 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 210 Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 71 In section 88(1) of that Act, after the definition of “local authority” there shall be inserted the following definition—
- ““magistrates” court maintenance order’ has the same meaning as in section 150(1) of the Magistrates’ Courts Act 1980,”.
- 72 In Schedule 1 to that Act—
- (a) after paragraph 3 there shall be inserted the following paragraph—
- “3A Any order for the payment of money in force under the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 (including any such order made under that Act by virtue of paragraph 1 above) shall be enforceable as a magistrates’ court maintenance order.”
- (b) in paragraph 4 for the words “paragraph 2 or 3” there shall be substituted the words “ paragraph 2, 3 or 3A ”.

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